



**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

INDECK KEYSTONE
ENERGY, LLC, a Delaware limited liability
company,

Plaintiff,

v.

VICTORY ENERGY
OPERATIONS, LLC, a Delaware limited
liability company,

Defendant.

CIVIL ACTION

NO. 04-CV-325 (ERIE)

Judge Sean J. McLaughlin

JURY TRIAL DEMANDED

DISCOVERY DISPUTE CERTIFICATE

I, John K. Gisleson, counsel for Plaintiff Indeck Keystone Energy LLC (“IKE”), submit this certificate in support of IKE’s Motion to Compel Answer to Interrogatory and Production of Documents. I attest that the following is true and correct:

1. On November 23, 2005, IKE served its Second Set of Discovery on Defendant.
2. On December 27, 2005, Defendant served responses that (among other things) objected to Interrogatory No. 2 and Document Request No. 7, which addressed Defendant’s profit on boilers sold during the term of the License Agreement.
3. On December 30, 2005, I sent a letter to counsel for Defendant asking for production of the information and documentation concerning Defendant’s profit, as well as to produce photographs of boilers and the associated nameplates for boilers sold by Defendant. A copy of this letter is attached as Exhibit 4 to Defendant’s Motion for Leave to Serve Additional Interrogatories and to Compel Expedited Responses.
4. On January 4, 2005, I received a letter from Defendant refusing to produce the profit information and documents but agreeing to produce photographs of nameplates. IKE wants photographs of boilers and nameplates.

5. I advised Defendant that IKE planned to file a motion to compel based on his January 4 Letter.

Dated: January 9, 2006

Respectfully submitted,

/s/ John K. Gisleson

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